

REMARKS

By this amendment, no Claims have been added, amended, or cancelled. Hence, Claims 1-8, 10-18, and 20-38 are pending in the application.

SUMMARY OF THE REJECTIONS

Claims 1-7, 10-17, 20-28, 30-36, and 38 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over “RSVP Receiver Proxy” by Gai et al. (“*Gai*”) in view of U.S. Patent Number 6,101,549 issued to Baugher et al. (“*Baugher*”) in view of U.S. Patent Application 2004/0022191 A1 by Bernet et al. (“*Bernet*”).

Claims 8, 18, 29, and 37 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Gai* in view of *Baugher* in view of *Bernet* in view of “Speech communication for working group based on LAN” by Lin et al. (“*Lin*”).

The rejections are respectfully traversed.

RESPONSE TO REJECTIONS

The above combination of references based on *Gai* fail to teach all the subject matter asserted in the Office Action or the entire subject matter that is claimed in the rejected claims. Numerous elements of the claims that are not disclosed, taught, or suggested by *Gai*, *Baugher*, *Bernet*, or *Lin*, either individually or in combination, are discussed below.

A. INDEPENDENT CLAIMS 1, 11, 21, and 22

ELEMENT OF CORRELATING

Independent Claims 1, 11, and 22 each feature the element of:

“correlating at least one of the ascertained network parameter, transport parameter, next hop parameter, and previous hop parameter values with information defining a relationship between them and whether a RESV message is desired.”

Independent Claim 21 features the element of:

“means for correlating at least one of the ascertained network parameter, transport parameter, next hop parameter, and previous hop parameter values with information defining a relationship between them and whether a RESV message is desired.”

The above claim elements are not shown, disclosed, or suggested by *Gai, Baugher, Bernet*, or *Lin*, either individually or in combination.

It is respectfully noted that the Office Action does not contain any arguments that any of *Gai, Baugher, Bernet*, or *Lin*, either individually or in combination, show these elements. Indeed, the Office Action completely fails to discuss these elements.

Applicants' remarks in the Reply to Office Action filed on March 11, 2004 ("the March Reply") indicated that these elements represented "a fundamental departure from *Gai*." Further, the Applicants' remarks in the March Reply stated that these elements were glossed over and not addressed in the prior Office Action mailed September 22, 2003.

In response to the Applicants' remarks contained within the March Reply, the current Office Action does not mention these elements. No Office Action to date attempts to show these elements in any cited art. Further, *Gai, Baugher, Bernet*, or *Lin*, either individually or in combination, do not show these elements.

Consequently, because the above elements are not shown, disclosed, or suggested by *Gai, Baugher, Bernet*, or *Lin*, either individually or in combination, and the Office Action fails to include any arguments against the novelty or non-obviousness of the above elements, each of Claims 1, 11, 21, and 22 are patentable over the cited art for at least this reason and are in condition for allowance.

ELEMENTS OF DETERMINING ONE OR MORE NETWORK PARAMETER VALUES, DETERMINING ONE OR MORE TRANSPORT PARAMETER VALUES, AND DETERMINING NEXT AND PREVIOUS HOP PARAMETER VALUES

Independent Claims 1, 11, and 22 each feature the elements of:

“wherein the step of determining whether to initiate an RSVP reservation process includes the steps of:
determining one or more network parameter values associated with the anticipated traffic flow
determining one or more transport parameter values associated with the anticipated traffic flow
determining next and previous hop parameter values associated with the anticipated traffic flow.”

Independent Claim 21 features the elements of:

“wherein the means for determining whether to initiate an RSVP reservation process includes:
means for determining one or more network parameter values associated with the anticipated traffic flow
means for determining one or more transport parameter values associated with the anticipated traffic flow
means for determining next and previous hop parameter values associated with the anticipated traffic flow.”

The above claim elements are not shown, disclosed, or suggested by *Gai*, *Baughner*, *Bernet*, or *Lin*, either individually or in combination.

The Office Action attempts to show the above elements by showing several instances in various cited art references where parameter values are used in various contexts. In none of these contexts, however, are the parameter values used to determine whether to initiate an RSVP reservation process. This is fundamentally different from the approach of Claims 1, 11, and 22, for example, which require “determining whether to initiate an RSVP reservation process by (a) determining one or more network parameter values associated with the anticipated traffic flow, (b) determining one or more transport parameter values associated with the anticipated traffic flow, (c) determining next and previous hop parameter values associated with the anticipated traffic flow, and (d) correlating at least one of the ascertained network parameter, transport parameter, next hop parameter, and previous hop parameter values with information defining a relationship between them and whether a RESV message is desired.

Each element will be discussed in further detail below.

Determining a next and previous hop parameter values associated with the anticipated traffic flow

Gai does not show “determining whether to initiate an RSVP reservation process by ...determining next and previous hop parameter values associated with the anticipated traffic flow” as featured in Claims 1, 11, and 22. The Office Action acknowledges “*Gai* may not clearly teach determining both next and previous hop parameter values with the anticipated traffic flow,” but then goes on to state that *Gai* implicitly shows this element by teaching that a proxy can be placed closer to a destination, so one would be motivated to determine both a next and previous hop parameter given a reasonable but broad interpretation of the claimed subject matter” (see Office Action).

First, this example is completely lacking of the concept of determining whether to initiate an RSVP reservation process, as recited in each of the pending claims. Second, it is respectfully noted that it does not logically follow that simply by placing a proxy further away from a location, that one would be motivated to determine both a next and previous hop parameter value associated with the anticipated traffic flow to determine whether to initiate an RSVP reservation process, as a next or previous hop parameter value may not be used by the proxy, e.g., as in the case of *Baughner*, which the Office Action also cites to show this element.

The Office Action relies on *Baughner* (in FIG. 3) in a separate argument to show the element of “determining whether to initiate an RSVP reservation process by determining next and previous hop parameter values associated with the anticipated traffic flow.” This is incorrect. First, the cited portion of *Baughner* does not contain the concept of “determining whether to initiate an RSVP reservation process” as featured in each of the pending claims.

Second, the cited portion of *Baughner* does not contain the concept of “determining next and previous hop parameter values associated with the anticipated traffic flow.” The Office Action alleges that the RSVP proxy of *Baughner* determines next and previous hop parameters, but this is not supported by the cited portion of *Baughner*, as the cited portion of *Baughner* does not suggest that the RSVP proxy determines a next or previous hop parameter.

Third, assuming, *arguendo*, that *Baughner* did discuss determining next and previous hop parameters, it does not teach “determining whether to initiate an RSVP reservation process [by] ...determining next and previous hop parameter values associated with the anticipated traffic flow” as featured in each of the pending claims. *Baughner* states “if proxy host 62 is used to send RESV messages on behalf of receiving host 52, then the router 58 is configured to intercept PATH messages sent by sending host 50 and to redirect the PATH messages to proxy host 62. In that case, when a RESV message is received by router 58 from proxy host 62, router 58 will bind the RESV message to the interface that connects router 58 to receiving host 52 and transmit the RESV message along the path to sending host 50” (Col. 4, lines 30-38). Thus, in the approach of *Baughner*, the decision to initiate the RESV message (which is performed by proxy host 62) is completely independent of determining a next and previous hop parameter (which, if it is done at all, it is performed by router 58, which is responsible for routing the RESV message. Note that the cited portion of *Baughner* is void of any discussion of determining a next or previous parameter value associated with the anticipated traffic flow).

Consequently, for at least the above reasons, the cited art does not disclose, teach, or suggest the above-discussed element featured in Claims 1, 11, and 22. Further, Claim 21 contains an element that is similar to the element discussed above with reference to Claims 1, 11, and 22. Consequently, it is respectfully submitted that Claims 1, 11, 21, and 22 are patentable over the cited art for at least the above reason and are each in condition for allowance.

Determining one or more network parameter values associated with the
anticipated traffic flow

The Office Action relies on *Gai* (pages 8-9) to show the element of “determining whether to initiate an RSVP reservation process [by] ...determining one or more network parameter values associated with the anticipated traffic flow.” In the alternative that *Gai* does not show this element, the Office Action relies on *Bernet* (paragraph 38 and 55).

Neither of the cited portions of *Gai* or *Bernet* discuss the concept of “determining whether to initiate an RSVP reservation process [by] ...determining one or more network

parameter values associated with the anticipated traffic flow” as featured in Claims 1, 11, and 22. The Applicants acknowledge that others may have detected network parameters associated with traffic flows prior to their invention; however, the Applicants respectfully submit that neither *Gai* or *Bernet* discuss “determining one or more network parameter values associated with the anticipated traffic flow” to “determining whether to initiate an RSVP reservation process.”

Consequently, for at least the above reasons, the cited art does not disclose, teach, or suggest the above-discussed element featured in Claims 1, 11, and 22. Further, Claim 21 contains an element that is similar to the element discussed above with reference to Claims 1, 11, and 22. Therefore, it is respectfully submitted that Claims 1, 11, 21, and 22 are patentable over the cited art for at least the above reason and are each in condition for allowance.

Determining one or more transport parameter values associated with the
anticipated traffic flow

The Office Action relies on *Gai* (pages 8-9) to show the element of “determining whether to initiate an RSVP reservation process [by] ...determining one or more transport parameter values associated with the anticipated traffic flow.” In the alternative that *Gai* does not show this element, the Office Action relies on *Bernet* (paragraph 38 and 55).

Neither of the cited portions of *Gai* or *Bernet* discuss the concept of “determining whether to initiate an RSVP reservation process [by] ...determining one or more transport parameter values associated with the anticipated traffic flow” as featured in Claims 1, 11, and 22. The Applicants acknowledge that others may have detected transport parameters associated with traffic flows prior to their invention; however, the Applicants respectfully submit that neither *Gai* or *Bernet* discuss “determining one or more transport parameter values associated with the anticipated traffic flow” to “determining whether to initiate an RSVP reservation process.”

Consequently, for at least the above reasons, the cited art does not disclose, teach, or suggest the above-discussed element featured in Claims 1, 11, and 22. Further, Claim 21 contains an element that is similar to the element discussed above with reference to Claims 1, 11, and 22. Therefore, it is respectfully submitted that Claims 1, 11, 21, and 22

are patentable over the cited art for at least the above reason and are each in condition for allowance.

B. DEPENDENT CLAIMS 2-8, 10, 12-18, 20, and 23-38

Claims 2-8, 10, 12-18, 20, and 23-38 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 2-8, 10, 12-18, 20, and 23-38 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2-8, 10, 12-18, 20, and 23-38 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

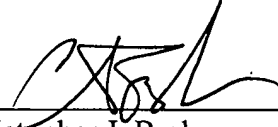
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 3, 2004



Christopher J. Brokaw
Reg. No. 45,620

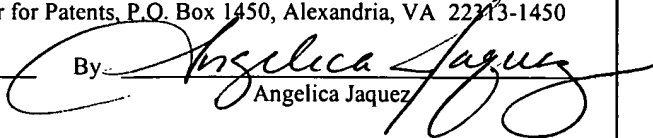
1600 Willow Street
San Jose, CA 95125
(408) 414-1080, ext. 225
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On June 3, 2004

By


Angelica Jaquez